

### **REMARKS/ARGUMENTS**

Claims 1, 19, 21, 24-27, and 29-32, and 34-36 are pending. Claims 1, 19, 21, 24-27, and 29, 31-32, and 34-36 are rejected. In this Amendment, claims 1, and 34-36 are amended, and claim 29 is canceled. Reconsideration is respectfully requested.

#### **Claim Amendments**

Support for the amendment to claims 1 and 34-36 can be found in the specification at, for example, page 15, lines 8-35. No new matter is introduced.

#### **Objections Withdrawn**

The withdrawal of the objections to claims 30 and 36 under 37 C.F.R. §1.75 is acknowledged.

#### **First Rejection Under 35 U.S.C. §103**

Claims 1, 19, 21, 24, 29, and 34 were rejected under 35 U.S.C. §103(a) as allegedly obvious over US 4,482,386 [“Wittwer”]. This rejection is traversed.

It is well established that a *prima facie* case of obviousness requires, among other things, a showing that all claim elements are considered when determining patentability against the cited references. Applicants submit that Wittwer does not meet this test as applied to the pending claims.

#### **Independent Claim 1**

Amended independent claim 1 is drawn to a combination that includes a colloid having a cross-linked gelatin polymer present in discrete subunits, and a non-cross-linked gelatin polymer. The discrete subunits of the cross-linked gelatin polymer provide void areas which are filled with the non-cross-linked gelatin polymer. The cross-linked gelatin polymer and the non-cross-linked gelatin polymer are present in the combination in a weight ratio within a range from 5:1 to 2:1.

Wittwer describes a process for conditioning a hydrocolloid. However, Wittwer does not teach or suggest a combination that includes a cross-linked gelatin polymer present in discrete subunits combined with a non-cross-linked gelatin polymer, where the discrete subunits of the cross-linked gelatin polymer provide void areas which are filled with the non-cross-linked

gelatin polymer, and where the cross-linked gelatin polymer and the non-cross-linked gelatin polymer are present in the combination in a weight ratio within a range from 5:1 to 2:1.

Hence, Wittwer does not support a *prima facie* case of obviousness for amended independent claim 1. Presently pending claims 19, 21, and 24 are also nonobvious in view of Wittwer, by virtue of their dependence from amended base claim 1. Claim 29 is canceled.

Independent Claim 34

Amended independent claim 34 is drawn to a combination that includes a colloid having a cross-linked protein present in discrete subunits, and a non-cross-linked polymeric material. The discrete subunits of the cross-linked protein provide void areas which are filled with the non-cross-linked polymeric material. Wittwer describes a process for conditioning a hydrocolloid. However, Wittwer does not teach or suggest a combination that includes a cross-linked protein present in discrete subunits combined with a non-cross-linked polymeric material, where the discrete subunits of the cross-linked protein provide void areas which are filled with the non-cross-linked polymeric material. Hence, Wittwer does not support a *prima facie* case of obviousness for amended independent claim 34. Withdrawal of this rejection is respectfully requested.

**Second Rejection Under 35 U.S.C. §103**

Claims 25-27 were rejected under 35 U.S.C. §103(a) as allegedly obvious over Wittwer, and further in view of US 4,124,705 [“Rothman”] and US 4,515,637 [“Cioca”]. This rejection is traversed.

As noted above, the combination of (a) cross-linked gelatin polymer present in discrete subunits and (b) non-cross-linked gelatin polymer, as described in amended base claim 1, is not obvious in view of Wittwer. Rothman discusses a suspension of minute polysaccharide particles, and Cioca discusses a collagen-thrombin hemostatic composition. Yet neither Rothman nor Cioca teach or suggest a combination of (a) cross-linked gelatin polymer present in discrete subunits and (b) non-cross-linked gelatin polymer. Hence, these references do not remedy the deficiencies of Wittwer, and the proposed combination does not support a *prima facie* case of obviousness for presently pending claims 25-27, which depend from amended base claim 1. Withdrawal of this rejection is respectfully requested.

### **Third Rejection Under 35 U.S.C. §103**

Claims 30-32, 35, and 36 were rejected under 35 U.S.C. §103(a) as allegedly obvious over Wittwer in view of Rothman and US 6,129,761 [“Hubbell”], *or* as allegedly obvious over Wittwer in view of Hubbell. This rejection is traversed.

As noted above, the combination of cross-linked protein and non-cross-linked polymeric material, wherein the discrete subunits of the cross-linked protein provide void areas which are filled with the non-cross-linked polymeric material, as described in amended claims 1, 35, and 36 are not obvious in view of Wittwer, or Wittwer in combination with Rothman. Hubbell describes certain hydrogel compositions, but does not teach or suggest a combination of (a) cross-linked gelatin polymer present in discrete subunits and (b) non-cross-linked gelatin polymer, and therefore does not remedy the deficiencies of Wittwer and Rothman. Withdrawal of this rejection is respectfully requested.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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